



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 30 2010

The Honorable Joe Sestak  
U.S. House of Representatives  
Washington, D.C. 20515

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

Dear Congressman Sestak:

Thank you for your letter of July 3, 2010, to the U.S. Environmental Protection Agency (EPA), forwarding a letter from your constituent, Mr. Charles R. Newell of National Gypsum Company, expressing his interest in EPA's proposed rulemaking governing the management of coal combustion residuals (CCRs). Mr. Newell specifically expressed concerns about the re-classification of CCRs as a hazardous material and the potential adverse impact on beneficial use, such as in wallboard.

In the proposed rule, EPA seeks public comment on two approaches available under RCRA, with one approach based on the authority under Subtitle D and the other based on the authority under Subtitle C. At this time, EPA is not proposing to regulate the beneficial use of CCRs. EPA continues to strongly support the safe and protective beneficial use of CCRs, including the use of flue gas desulfurization gypsum in wallboard. However, EPA has identified concerns with some uses of CCRs in unencapsulated form, in the event proper practices are not employed. For those uses, the Agency is soliciting comment on whether to regulate and, if so, the most appropriate regulatory approach to be taken. While EPA does not want to negatively impact the legitimate beneficial use of CCRs, we are also aware of the need to fully consider the risks, management practices, and other pertinent information related to CCRs.

In August 2010, EPA will be hosting two webinars on the CCR proposed rule that may be of interest to your constituents. A webinar on August 5 will focus on the environmental, human health, environmental justice, and community impacts; and a webinar on August 12 will focus on the industry and beneficial use impacts of the proposed rule. These webinars will include an explanation of the proposed rule by EPA staff, guidance on how to provide official public comments, and an opportunity to address questions from participants. Additional information, including instructions on how the public can register for these webinars, can be found at [www.epa.gov/coalashrule](http://www.epa.gov/coalashrule). EPA will also hold public hearings in cities across the country. While five public hearings are currently scheduled, EPA is evaluating holding hearings in additional cities. Details on the scheduled public hearings can be found in the July 15, 2010 *Federal Register*, and on the above mentioned web site.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Raquel Snyder, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-9586.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Feldt for", is written over the typed name Mathy Stanislaus.

Mathy Stanislaus  
Assistant Administrator